

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KARAM PRASAD, LLC d/b/a/ BISHOP  
OF SEVENTH,

Plaintiff,

- *against* -

CACHE, INC.,

Defendant.

Case No. 07 CV 5785 (PAC) (JCF)

**DECLARATION OF MICHAEL  
CULVER IN SUPPORT OF  
MOTION FOR PRELIMINARY  
INJUNCTION**

I, Michael Culver, hereby declare as follows:

1. I am an attorney of record for Plaintiff in this action and submit this Declaration in support of a preliminary injunction. This Declaration identifies and authenticates as true and correct copies the attached materials at Exhibits A through O.
2. Exhibit A is a true and correct copy of a dictionary definition for "besom pocket" from the website located at the URL indicated in the footer.
3. Exhibit B is a photograph of blue jeans marketed by Plaintiff.
4. Exhibit C are true and correct copies of the home page and "about us" page from the website cache.com located at the URL indicated in the footer.
5. Exhibit D are true and correct copies of the web pages from cache.com located at the URL indicated in the footers collected by searching the website using the words "jean" and "denim" with additional web pages of selected products showing details.
6. Exhibit E is a true and correct copy of the web page from cache.com located at the URL indicated in the footer, as printed on July 10, 2007.

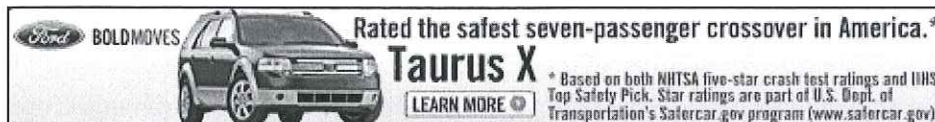
7. Exhibit F is a photograph of Defendant's product Besom Pocket Stretch Jean.
8. Exhibit G is a photograph of the jeans shown in Exhibits B and F.
9. Exhibit H is a photograph of the jeans shown in Exhibits B and F, showing the leg seams.
10. Exhibit I are true and correct copies of my letter dated May 22, 2007 and enclosures to Corrine R. Gorski, Esq. with NIXON PEABODY LLP. No response was received to this letter.
11. Exhibit J is a true and correct copy of my emails dated June 1 and 4, 2007 to Corrine R. Gorski, Esq. with NIXON PEABODY LLP. No response was received to these emails.
12. Exhibit K are true and correct copies of the web pages from wikipedia.com located at the URL indicated in the footer.
13. Exhibit L are true and correct copies of web pages from the websites at businessweek.com and nytimes.com located at the URL indicated in the footer.
14. Exhibit M are true and correct copies of web pages from the website fashionsnoops.com located at the URL indicated in the footer.
15. Exhibit N are true and correct copies of the web pages from the U.S. Patent and Trademark Office website, uspto.gov, for Registration No. 2791156 located at the URL indicated in the footer.
16. Exhibit O is a photograph of the jeans shown in Exhibit F showing the front side.

I hereby declare under the penalty of perjury that the foregoing is true and correct.

Dated: July 17, 2007

  
Michael Culver

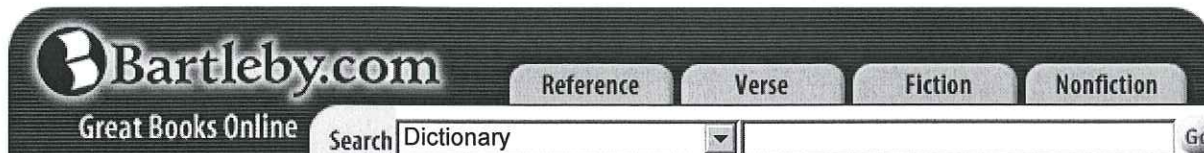
## **Exhibit A**



Ads by Google

H Jones VC

Best Book on  
Falklands War I  
depth look at the  
Darwin Hill's  
davidjkenney.com



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Reference > American Heritage® > Dictionary

< besom besot >

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The American Heritage® Dictionary of the English Language: Fourth Edition. 2000.

## besom pocket

NOUN: A flapless pocket trimmed with welting or reinforced stitching.

ETYMOLOGY: *besom*, reinforcement around pocket opening.

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## **Exhibit B**





## **Exhibit C**





- home
- my account
- order status
- find a store
- customer service
- shopping bag (0)



## shop

new arrivals  
leather & suede salon  
tops  
bottoms  
jackets  
the dress collection  
accessories  
sale rack  
gift cards



Introducing  
the Caché  
Visa Card



Shop the  
JUNE CATALOG  
SHOP NOW

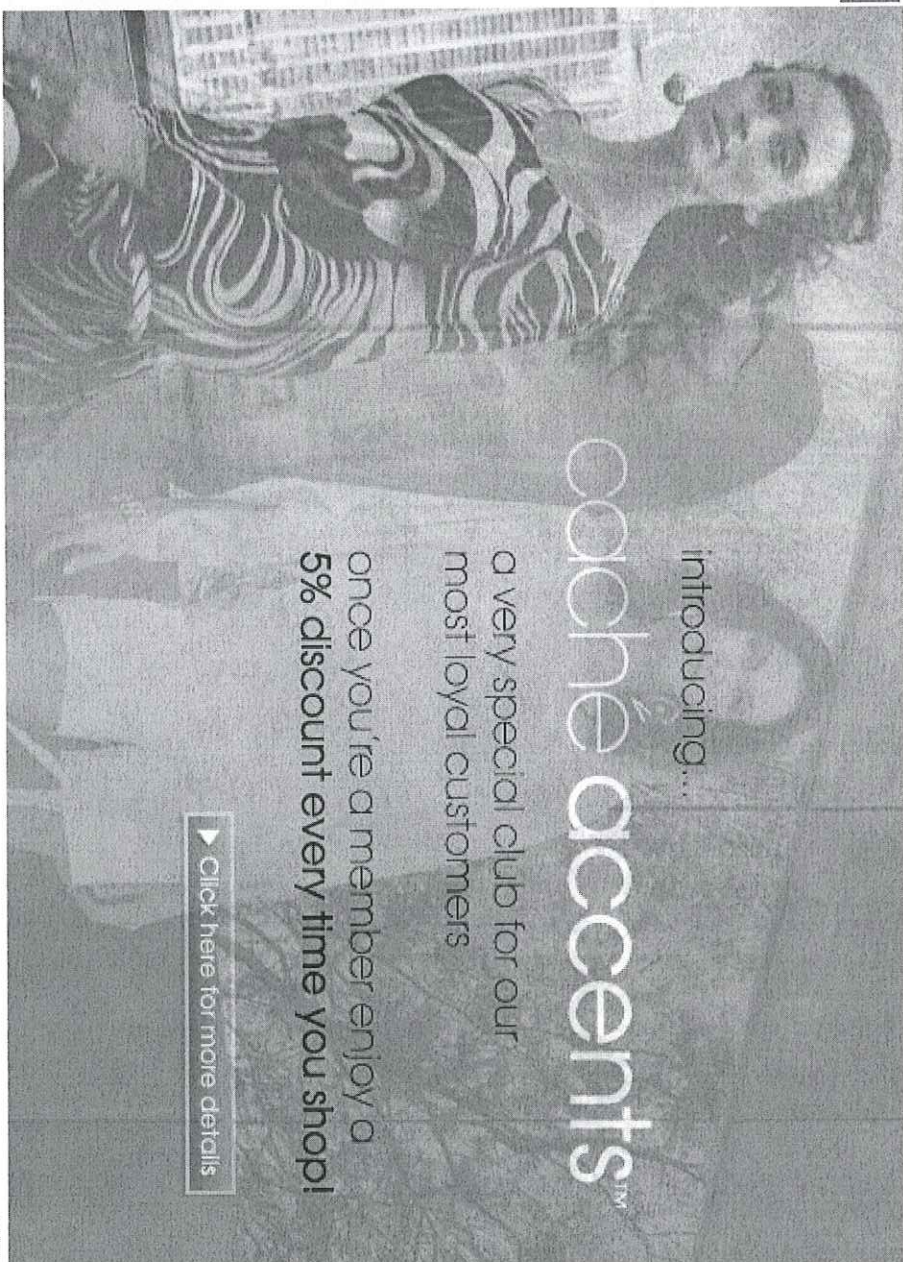


Sale  
Rack

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careers

home > about us

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search

about us

What makes a woman captivating? Her style? Her charm? Her wit? Captivating is that and more. It's that special spark that shines in her eyes, the energy that animates her every move.

Even her clothes reflect it. Fashion-forward, naturally, but what really makes her style captivating is its exquisite attention to detail.

This is the Caché woman: confident, sexy, social and stylish.

From our distinctive casual sportswear to our stunning eveningwear to our contemporary accessories, our collections draw the eye with their unique detailing. Because our clothes must be as charismatic as the woman who wears them.

Whether in our 260+ boutiques coast to coast or online at cache.com, we hope to make every moment of your experience rewarding. We promise to provide the highest level of security and quality wherever you choose to visit.

Our relationship with you is extremely important to us. If there is any way we can improve your experience, please let us know. Contact us any time at [custserv@cache.com](mailto:custserv@cache.com) or call 1-800-788-CACHE (2224) Monday-Friday 9am-5pm EST.



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